GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Private Aided Junior Colleges – Sri I. Viswanadha Raju, Ground boy and working as Record Assistant (unaided), SVVPAS Raja Mahila Vidya Peeth Junior College, Visakhapatnam – Implementation of Hon'ble High Court orders dated 05-02-2014 in W.P.No.19662 of 2002 and orders dated 23-12-2014 in W.A.No.1671 of 2014 – Regularisation of services into aided post w.e.f.11-9-1993 with all consequential benefits – Orders – Issued.

SCHOOL EDUCATION (IE) DEPARTMENT

G.O.MS.No. 3 Dated: 29-01-2016

Read the following:-

1. Hon'ble High Court orders dated 05-02-2014 in W.P.No.19662 of 2002.
2. From the Commissioner of Intermediate Education, A.P., Hyderabad Lr.Rc.No.Admn.I-B-2/1351/2004, dated 28-6-2014.
3. Hon'ble High Court orders dated 23-12-2014 in W.A.No.1671 of 2014.
4. From the Commissioner of Intermediate Education, A.P., Hyderabad Lr.Rc.No.Admn.I-B-2/1351/2004, dated 11-02-2015.
5. Hon'ble Supreme Court of India orders dated 20-11-2015 in SLP.CC.No.18597 of 2015
6. From the Commissioner of Intermediate Education, A.P., Hyderabad Lr.Rc.No.Admn.I-B-2/1351/2004, dated 03-12-2015.

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O R D E R:

The Commissioner of Intermediate Education, A.P., Hyderabad in the reference 2nd cited, has stated that Sri I. Viswanadha Raju, Record Assistant, SVVPAS Raja Mahila Vidya Peeth Junior College, Visakhapatnam was appointed as a Ground Boy on 01.06.1988 in the age of 16 years and not completed 18 years of age at the time of his initial appointment and also the post of Record Assistant is a promotional post and not to be filled up by way of Direct Recruitment and it may be filled up by way of promotion of Attenders working in an aided post in the same college. The post of Record Assistant in SVVPAS Raja Mahila Vidya Peeth Junior College is fallen vacant since 11.09.1993 and the management of the college utilized the services of Sri I.Viswanadha Raju as Record Assistant. The request of the management is rejected by the Government vide Memo No.16895/IE.II-1/2001-3 dated 02.07.2002.

2. Aggrieved by that, Sri I.Viswanadha Raju filed W.P.No.19662 of 2002 in the Hon'ble High Court and the Hon'ble Court in the reference 1st cited passed orders that, "the petitioner was appointed as ground boy at the age of 16 years, his appointment cannot be considered to be illegal since he is being continued in the post of Record Assistant and also passing the orders of High Court dated 08.10.2002 to continue the individual, the petitioner has already completed 10 years of service in the college. Though the petitioner is not eligible for regularization in terms of G.O.Ms.No.212 dated 22.04.1994, the individual is entitled for regularization of his services in terms of orders of Hon'ble Supreme Court of India in State of Karnataka Vs M.L Kesari and State of Karnataka Vs.Umadevi. The rejection orders issued in Government memo dated 02.07.2002 is set-aside and the matter is remitted to the respondents so as to enable them to take an informed decision for regularization of the services of the petitioner into a clear aided vacant post of Record Assistant w.e.f 11.09.1993 with all consequential benefits".

1. The Commissioner of Intermediate Education, A.P., Hyderabad in the reference 4th cited, has stated that, the Division Bench of Hon'ble High Court in its orders dated 23.12.2014 in W.A.No.1671 of 2014 duly dismissing the Writ Appeal stated as follows:-

".....Therefore, we do not find any ground to interfere with the order passed by the learned Single Judge. The fear of the appellant that this may be cited as a precedent can be

allayed, by observing that the order passed in this writ appeal is only in the peculiar facts and circumstances of the case and it cannot be treated as laying down any general principle."

2. In the reference 5th cited, the Hon'ble Supreme Court of India in its orders dated 20-11-2015 in SLP No.(CC) 18597 of 2015 filed by the Department has dismissed the SLP.

3. The matter has been examined in detail and Government hereby permit the Commissioner of Intermediate Education, A.P., Hyderabad to implement the Hon'ble High Court orders dated 5-2-2014 in W.P.No.19662 of 2002 and orders dated 23-12-2014 in W.A.No.1671 of 2014 by regularising the services of Sri I.Viswanadha Raju, Ground boy and presently working as Record Assistant (unaided), SVVPAS Raja Mahila Vidya Peeth Junior College, Visakhapatnam into aided post of Record Assistant w.e.f.11-9-1993 with all consequential benefits, as a special case, to avoid further legal complications in C.C.No.1069 of 2014.

4. These orders are applicable to the Writ Petitioner only and it shall not be treated as precedent as per the Hon'ble High Court orders dated 23-12-2014 in W.A.No.1671 of 2014.

5. The Commissioner of Intermediate Education, A.P., Hyderabad shall take further action accordingly.

6. This order issues with the concurrence of the Finance (HRM.III) Dept. vide their U.O.No.45402/04/A2/HRM.III/2015, dated 28-1-2016.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P.SISODIA,
SECRETARY TO GOVERNMENT

To
The Commissioner of Intermediate Education, A.P., Hyderabad.
The individual through the Commissioner of Intermediate Education, A.P., Hyderabad.

Copy to:
The Secretary, Board of Intermediate Education, A.P., Hyderabad.
The Director of Treasuries & Accounts, Hyderabad.
The District Treasury Officer, Visakhapatnam.
The Director of Local Fund Accounts, Visakhapatnam.
The Govt.Pleader for H.E.Dept., A.P.High Court, Hyderabad.
The Finance (HR.III) Dept.
SF/SC

// Forwarded :: By Order //

SECTION OFFICER